

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11-CR-00373-FDW

UNITED STATES OF AMERICA,

Plaintiff,

v.

NASSER KAMAL ALQUZA (10),

Defendant.

ORDER

THIS MATTER is before the Court on a motion by petitioner CitiMortgage, Inc. (“CMI” or “Petitioner”), with the consent of the United States of America, by and through Anne M. Tomkins, United States Attorney (“the Government” or “the United States”), pursuant to Fed. R. Crim. P. 32.2(c), requesting approval of a settlement with regard to the following property listed in the Preliminary Order of Forfeiture filed in this action on February 10, 2014 (the “Preliminary Order”): real property located at 1609 Oakhurst Dr., Mt. Pleasant, SC (the “Mt. Pleasant Property” or “the Property”).

The Government and Petitioner have stipulated and agreed and the Court finds as follows:

1. Petitioner is deemed to have filed a timely petition in response to the Preliminary Order for the amount due on a mortgage loan, as stated below. The Court has jurisdiction over the Property.

2. The name of defendant Nasser Kamal Alquza (“Defendant”) appears on a deed recorded at Book T586, Page 566, Charleston County, SC Registry as the current holder of record title to the Property. Petitioner is the holder of a loan secured by a

mortgage on the Property, recorded at Book U586, Page 169, Charleston County, SC Registry.

3. The United States and Petitioner have agreed to a settlement regarding forfeiture and the interest asserted by Petitioner pursuant to the mortgage, as follows:

(a) The interest of Petitioner in the Property is recognized to the extent of the amount due on the mortgage, including principal and any interest due as of November 30, 2014, in the amount of \$392,356.75, together with a per diem thereafter of \$27.5270 until paid. The interest of Petitioner in the Property is further recognized to the extent of additional amounts of ad valorem property taxes, homeowners' insurance, and similar expenses permitted to be charged under the mortgage and underlying note, to the extent that Petitioner pays or advances sums for such expenditures following the date of this Order.

(b) As of this date, one other petition relating to the Mt. Pleasant Property has been filed in this case by May Housseneh, wife of Defendant. Upon final adjudication of that petition, in the event of final forfeiture and sale, the United States will pay the amount then due on the mortgage as described in subparagraph (a) above to Petitioner out of the sale proceeds or provide for such payment in connection with closing. If the Mt. Pleasant Property is not forfeited in this case, Petitioner shall be free to act under the terms of the mortgage, including foreclosure if applicable.

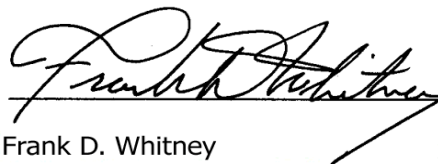
(c) Petitioner hereby releases and forever discharges the United States, its agents, servants and employees, its successors or assigns, and all state or local

governmental entities or law enforcement agencies in North Carolina and their agents, servants and employees, their heirs, successors, or assigns, from any and all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and/or demands whatsoever in law or equity that Petitioner or its heirs, successors, or assigns in connection with acts or omissions occurring prior to and through the date of this Agreement that relate to or arise from this investigation, prosecution, and forfeiture of the above-referenced Property.

Based on the foregoing agreement and findings, IT IS HEREBY ORDERED:

1. The terms and conditions of the settlement are approved and incorporated in this order.
2. The Preliminary Order is hereby amended to recognize the interest of Petitioner in the Mt. Pleasant Property, that is, the amount due on the mortgage, including principal and any interest due as of November 30, 2014, in the amount of \$392,356.75, together with a per diem thereafter of \$27.5270 until paid, as well as additional amounts of ad valorem property taxes, homeowners' insurance, and similar expenses permitted to be charged under the mortgage and underlying note, to the extent that Petitioner pays or advances sums for such expenditures following the date of this Order.
3. Each party shall bear its own costs in this ancillary forfeiture proceeding, including attorney fees.

Signed: April 29, 2015


Frank D. Whitney
Chief United States District Judge

